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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,141	09/21/1999	WALTER BRUCE GALT	RR10432	3058

7590

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/400,141

Applicant(s)

GALT ET AL.

Examiner

Rasha S AL-Aubaidi

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-20, 28-49 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-13, 16-20, 28-49 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11/12/99 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-6, 28-36, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow in view of Brennan (US PAT # 5,329,578),

Regarding claims 1 and 31, Harlow teaches a method in a communications system for routing a call, the method comprising: receiving a call (see col.8, line 51); identifying call routing information for the call (this reads on the destination directory number see col.8, lines 52-60); responsive to identifying call routing information, determining whether a **function has been selected** for routing the call (the function may read on activating/deactivating of the call forwarding feature or updating/changing the numbers); and responsive to a determination that a function has been selected for routing the call, routing the call using a sequence of destinations associated with the function (see col.8, lines 36-47).

The claims have been amended to recite that the function is "to be performed by the subscriber" and applicant provided examples of the claimed "function" on page 17 of the amendment filed 6/20/03.

The claimed "*function to be performed by the subscriber*" reads on the shifting or changing the schedule by the user of Brennan as discussed, for example, on

col. 8, line 47 – col. 9, line 2. Brennan teaches that the use may be “off sick, on vacation or just running a little late”. Thus, the user may modify the schedule and routing tables and this reads on the claimed “*function to be performed by the subscriber*”. Thus, if the user is “off sick”, calls should not be routed to his/her office that day and if he/she is on vacation, then calls should be routed to the cottage.

Therefore, it would have been obvious to modify the sequence in Harlow, as taught by Brennan, so that the sequence remains updated when a party on the sequence goes on vacation, moves out of the area,... etc. In Both systems, the sequence is never meant to be permanent and must be changed/updated as the user moves, takes vacations ...etc.

Claim 57 is rejected for the same reason discussed above with respect to claims 1 and 31.

Regarding claims 4 and 34, Harlow teaches monitoring results from routing of the call; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (see col. 6, lines 48-55).

Regarding claims 5 and 35, Harlow teaches the call is routed to a subscriber associated with the function. These claims will be rejected for the same reasons as claims 1 and 31.

Regarding claims 6 and 36, Harlow teaches monitoring results from routing of the call to the subscriber; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (this basically reads on routing the call from the primary number to the secondary number in the case of busy, see col.8, lines 35-47).

Regarding claim 14, Harlow teaches a method in a communications system for call routing a call, the method comprising: receiving a call to a subscriber; routing the call using call routing information associated with the subscriber; monitoring results from routing of the call to the subscriber; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (see col. 8, lines 35-47).

Regarding claim 15, Harlow teaches the step of routing the call comprises: routing the call to a main destination; and responsive to an absence of an answer at the main destination, routing the call to an alternate destination.

Claim 15 is rejected for the same reason as claim 14.

Regarding claim 28, Harlow teaches a switch (such as 110, 120 and 130, see Fig.1) comprising: an input for receiving a call for a party; signaling interface for sending a request to a database (175) for call routing information, wherein call routing information from the database includes a calling sequence for a function associated with the party in response to the party previously selecting the function; and a switch fabric, wherein the call is routed from the input through the switch fabric to an output to a destination returned by the database using the calling sequence for the function (see col.2, lines 25-53). Also, the claimed "database" which includes calling sequence reads on the tables in Brennan. Brennan teaches that the user will have the ability to shift and make changes to the schedule. Furthermore, in both Brennan and Harlow, the user must have the ability to change and modify any sequence as needed because normally people take a vacation, move, change jobs, change phone number ...etc.

Regarding claim 29, Harlow teaches the request sent from the signaling interface to the database is sent to a service control point (reads on SCP 170), which provides an interface to the database (175).

Claims 2 and 32 recite responsive to identifying call routing information, determining whether a call routing schedule based on time has been selected for routing the call; and responsive to a determination that a call routing schedule based on time is to be used, routing the call using a call routing schedule based on time. Brennan

teaches allowing the subscriber to specify a time schedule for the call routing (see col. 6, lines 50-68 and col.7, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of specifying a time schedule for the call routing, as described by Brennan, in Harlow's system in order to give the subscriber the option of accepting phone calls at a convenient time and based on their schedule and availability.

Regarding claim 30, Harlow teaches service control point (SCP 170) comprising: an input/output interface (this reads on computer 112 connected to a telephone, see Fig.1), wherein request for routing information is received from a requestor (this reads on the SSP 110 for example that is connected to 112) at the input/output interface and routing information returned to the requestor a database (175) containing a plurality of calling sequences for subscribers; and a processing (reads on 113) unit connected to input/output interface and the database, wherein the processing unit has a plurality of modes of operation including: a first mode of operation in which the processing unit monitors for requests for routing information; a second mode of operation, responsive to receiving a request, in which the processing unit identifies routing information for the call; a third mode of operation, responsive to identifying routing information for the call, in which the processing unit determines whether a function has been selected for routing the call; a fourth mode of operation, responsive to a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a sequence of destinations associated with the

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function. The claimed "fifth mode of operation" which is responsive to an absence of a determination that a function has been selected for routing the call, in which the processing unit sends routing information for the call using a call routing schedule based on time simply reads on absence of changes to the schedule or sequence, as taught by Brennan, the normal "time" schedule will be used. Tables 3.0 and 4.0 in Brennan teach the use of TIME. Thus, if no changes (no function) are made, the TIME routing will be used.

Claim 30 is rejected for the same reasons discussed above with respect to claims 1 and 2.

Regarding claims 3 and 33, Brennan teaches the method further comprising: responsive to a determination that a function has been selected for routing the call (the function reads on time in Brennan), determining whether a time period for the function has expired (this reads on the subscriber adjusting or extending the time schedule see col. 8, lines 54-60); responsive to a determination that a time period for the function has expired, routing the call; and routing the call using a call routing schedule based on time instead of using the sequence of destinations associated with the function.

3. Claim 7-13, 37-44 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al (US PAT # 6,330,322).

Claims 7 and 43 recite a method in a communications system for call routing a call, the method receiving a call to a subscriber; routing the call to the subscriber using a sequence of destinations associated with the subscriber; and responsive to a success of routing the call to the subscriber to a destination within the sequence of destinations, automatically modifying the sequence of destinations used to call the subscriber, wherein the sequence of destinations is modified to favor destinations with successful call completions.

Foladare teaches routing the call to the current location of the subscriber based on retrieving messages from the current location. It does not explicitly teach routing to the current location based on the success of routing a call. However, there is more than one method that may be used to update the current location of the user (e.g., when user makes an outgoing call or receives an incoming call). The motivation is to always use the current location of the user to increase the success rate of reaching the user.

Claims 37 and 58 are rejected for the same reason with respect to claim 7.

Regarding claim 8, Foladare not specifically teaches the sequence of destinations is modified to favor destinations with a selected level of call completions, but this feature will be obvious.

Regarding claims 9 and 38, responsive to detecting initiation of a call by the subscriber from an origin absent from the sequence of destinations, modifying the sequence of destinations to include the origin as a destination within the sequence of destinations (this is an obvious feature, basically one can modify and add any destination to the list of destinations).

Regarding claims 10 and 39, Foladare teaches the origin is included as a destination within the sequence of destinations for a period of time (see Abstract, see col.1, lines 41-47).

Regarding claims 11 and 40, wherein the calling line identifier is recorded to identify the origin from which the subscriber initiated the call (this feature is obvious).

Regarding claims 12 and 41, Foladare teaches the sequence of destinations is associated with a time slot (this basically reads on routing the call to the required telephone number at a certain time of the day, see col. 4, lines 47-54).

Regarding claims 13 and 42, Foladare teaches the sequence of destinations is associated with a function (this reads on the call forwarding function for example, when calling party trying to reach a subscriber at the specified location).

Regarding claim 44, for monitoring results from routing of the call to the subscriber; and automatically modifying the call routing information based on the results to form modified call routing information, wherein subsequent calls are routed using the modified call routing information (this is obvious, since this basically reads on routing the call from the primary number to the secondary number in the case of busy or no answer).

4. Claims 16-¹⁸~~20~~, 45-⁴⁷~~49~~ and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel (US PAT # 5,276,731).

Regarding claim 16, Arbel discloses a method and apparatus for handling incoming telephone calls and, in particular for transferring calls from a first target to a second target (see table in col.10 lines 10-28).

However, Arbel does not teach the feature of the transferring calls to a third target.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to extend the feature of transferring from a first target to a second target and further into a third target destination. This simply expands the services to include more destinations.

Regarding claims 17 and 46, obviously the table on col.10 of Arbel is programmable and the operator/second target or the third target may be exchanged. For example, there may be certain times when the operator is preferred as a second or a third target.

Regarding claims 18 and 47, Arbel teaches the temporary period of time is a day (for example, see col.10, table chart).

5. Claims 19-20 and 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel in view of Foladare.

Arbel does not explicitly teach that responsive to the third destination being answered over a period of time, setting the third destination as the second destination, However, based on the availability of ~~the~~ which destination will answer the phone first will be placed as the primary to the first destination. Foladare teaches this claimed limitation as discussed above with respect to claims 7 and 43. The advantages of modifying the destinations are discussed in Foladare. The same applies to claims 20 and 49

Response to Arguments

6. Applicant's arguments filed 6/20/03 have been fully considered but they are not persuasive.

Applicant's arguments with respect to the 102 rejection over Harlow have been considered but are moot in view of the new ground of rejection.

It must be noted however, that Harlow and Brennan must allow the user to make changes in the sequence as the user moves, takes a vacation, changes phone number, adds a new mobile phone,etc. These (moving, taking a vacation ...etc.) are "functions performed by the subscriber". Brennan explicitly teaches this feature on, for example, col. 8, line 47 – col. 9, line 2. The sequence in Harlow and Brennan are never meant to be permanently fixed.

Arguments regarding claims 28 and 30 have been addressed in the above rejection of those claims.

Regarding the rejection over Foladare, applicant argues that the user of Foladare will select whether to update the number or not while in the claims the update is automatic. Examiner believes that one can choose to "confirm" with the user (for example, the user is temporarily at that location and ready to leave now) whether or not to update the number. Automatically updating may give the user some type of convenience (user does not have to "confirm"), but at the same time an "automatic" update may not, in certain cases, be useful (user is ready to leave location). Examiner is not judging which choice is "better", examiner is merely explaining that one of ordinary skill in the art would have to choose from these two scenarios which have advantages and disadvantages. Anyway, eliminating the "confirmation" step from Foladare does not rise to the level of patentability.

Applicant is advised the broad limitation "*function performed by the subscriber*" reads on many features taught by prior art patents. For example, the "function" may read on "a transaction or activity" performed by the user as taught by Bissell et al (US PAT # 5,243,645). Some references use financial transaction (user with multiple offices used a credit card in New York city, then forward calls to NYC office). Again, the claimed "function" is very broad and there is nothing in the claims' language to suggest that the claims are directed to any of the examples referred to by applicant on page 17 of the amendment.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

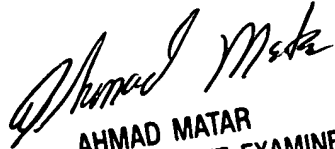
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Examiner

Rasha S Al-Aubaidi

09/17/2003


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